

IV. B. 18. Native American Cultural Resources

- a) Background. Native American interests within Colorado date back to pre-European colonization and are numerous, if not always readily apparent to the general populace. While the two current Native American settlements in Colorado, the Southern Ute Reservation and the Ute Mountain Ute Reservation, formally geographically define current Native American land holdings, other traditional Native American interests, such as reburial sites, ceremonial sites, sacred vistas etc., remain elusive to many Coloradans, and intentionally so. Also meriting consideration from an historical context, Colorado was formerly settled by numerous Native American tribes who presently maintain Tribal Council offices outside the State and who still have lingering interests within Colorado.



Ute man with beaded neckware

The Congress of the United States, in authoring the American Indian Religious Freedom Act of 1978, recognized that many types of European patterned developments would impact the traditional culture of Native Americans which was fundamentally rooted in religious beliefs and, in many cases, in mobility. The act states,

“.....it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.”

Proposed Rural Development actions suspected of impacting Native American interests should be evaluated in light of the American Indian Religious Freedom Act. The appropriate formal process for evaluating such impacts is Section 106 of the National Historic Preservation Act. Reference Section IV.B.3. of this Guide for a detailed discussion of the Section 106 Process.



b) Governing Regulations.

(1) Federal.

- (a) American Indian Religious Freedom Act of 1978, Public Law 95-341 Stat. 469.
- (b) National Historic Preservation Act of 1966, as amended, (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470-470t).
- (c) Archaeological and Historic Preservation Act of 1974, (P.L. 93-291; 88 Stat. 174; 16 U.S.C. 469).
- (d) Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971.
- (e) 36 CFR 800, Code of Federal Regulations, Protection of Historic Properties.
- (f) 7 CFR 43, Regulations for Archaeological Resources Protection Act.
- (g) Archaeological Resources Protection Act of 1979, (Public Law 96-95; 93 Stat. 721; 16 U.S.C. 470).
- (h) National Historic Preservation Act Amendment of 1980, (P.L. 96-515; 94 Stat. 2987; 16 U.S.C. 470).
- (i) U.S. Executive Order 11514, Protection and Enhancement of Environmental Quality.
- (j) National Environmental Policy Act, 42 U.S.C. 4321.
- (k) Title 7, Part 1b and 1c, Code of Federal Regulations, U.S. Department of Agriculture's National Environmental Policy Act.
- (l) Native American Grave Protection and Repatriation Act (25 U.S.C. 3001)

(1) State.

- (a) Colorado Revised Statutes, Titles 24, Article 80, Historical, Prehistorical, and Archaeological Resources.
- (b) Colorado Revised Statutes, Title 24, Article 80.1, Register of Historic Places.
- (c) Colorado Revised Statutes, Title 24, Article 65, Colorado Land Use Act.



- (d) Colorado Revised Statutes, Title 18, Article 13, Section 101, Abuse of a corpse.
- c) Policy. Rural Development should not authorize, fund, or carry out any proposal or project which would adversely affect the unique values of Native American reservations, sacred sites, or burial grounds. Whenever a proposed action is determined to have the potential for impacting a Native American reservation, sacred site, or burial ground, the U.S. Department of the Interior, Bureau of Indian Affairs, appropriate Tribal Council, and Colorado Historical Society should be consulted as early in the environmental impact analysis process as possible to evaluate the possible consequences and protection requirements concerning the action. The public consultation protocols of Section 106 of the National Historic Preservation Act, as discussed in detail in Section IV.B.3. of this Guide should be followed to adequately solicit comment by interested Native American individuals and organizations.

Native American reservations within Colorado are well defined; however, Native American sacred sites have special religious significance to Native Americans and are intentionally not always disclosed to the general public. Native American tribes which have historically occupied areas inside Colorado but are now based outside the State may still have interest in undisclosed sacred sites and burial grounds within the State. Rural Development personnel should exercise special sensitivity to the possible presence of traditional Native American sacred sites within the area of environmental impact and make a special effort to contact interested parties and organizations for recommendations if such a potential impact is perceived. Appropriate avoidance and/or mitigation measures may be warranted.

- d) Classification.
- (1) Designated.
 - (2) Potential.
- e) Agency Jurisdiction: The U.S. Department of the Interior, Bureau of Indian Affairs, assists with coordinations with various Native American tribes. Native American tribes are also typically governed by Tribal Councils. Both entities should be consulted with respect to pertinent Rural Development pending activities.

Confer with the following contacts as appropriate:

- (1) Indian Tribes, Tribal Business Councils, and Tribal Historic Preservation Officers. Consult with the State Environmental Coordinator to obtain the current lists.
- (2) State.

Colorado Historical Society
State Historic Preservation Officer
Intergovernmental Services



1300 Broadway
Denver, Colorado 80203

Dr. Susan M. Collins, Dep. St. Hist. Pres. Off.. (Archaeology):
(303) 866-2736

Kaaren Hardy, Intergovernmental Services Director:
(303) 866-3398

<http://coloradohistory-oahp.org/>

f) Location of Resource.

- (1) Native American Sacred Sites. These Native American sacred resources may be burial sites, battle sites, mountain peaks, rock formations, springs, falls, pools of water, plantings, or other elements. Their locations are traditionally kept secret by the applicable tribe(s) in order to deter possible exploitation and/or destruction by other persons, groups, or organizations. The American Indian Religious Freedom Act lists the names and addresses of all tribal groups that have been historically identified within the State of Colorado and may have interest in the sacred sites located within the boundaries of this State. Specific inventories of Native American sacred sites, therefore, are not maintained by Rural Development.
- (2) Native American Burial Grounds. Some are a matter of record; others are yet to be discovered. The Colorado Historical Society, State Historic Preservation Officer, should be consulted if such burial grounds are suspected within the area of environmental impact. Avoidance and/or reinternment may be options to be considered.
- (3) Native American Reservations. Historically, the Ute Nation roamed throughout Colorado, Utah and New Mexico in a hunter-gatherer society, moving with the seasons for the best hunting and harvest. Their dealings with the government were not to their benefit and in the late 1800's treaties with the United States forced the Ute Nation into Southwestern Colorado.

The bands within the Ute Nation divided and today the homelands for the Weenuche, the Ute Mountain Ute Tribe, total over 597,000 acres in Southwest Colorado, Southeastern Utah and Northern New Mexico. The White Mesa community of the Tribe lives in Utah, where the most of the housing is on tribal lands. The majority of lands there are allotted to tribal members and laid out in a checkerboard design. The Southern Ute Indian Reservation lies in southwestern Colorado in La Plata, Montezuma and Archuleta counties. The exterior boundaries encompass 720,000 acres. Approximately 308,000 acres are Tribal trust lands, 4,000 are allotted acres for total acres of 312,000 acres of trust land. The rest of the land within the exterior reservation boundaries is approximately 388,000 and is owned privately or controlled by government agencies. The Southern Ute Tribe population is approximately 1,250 people, 828 of them are 18 years old or older and 422 of them

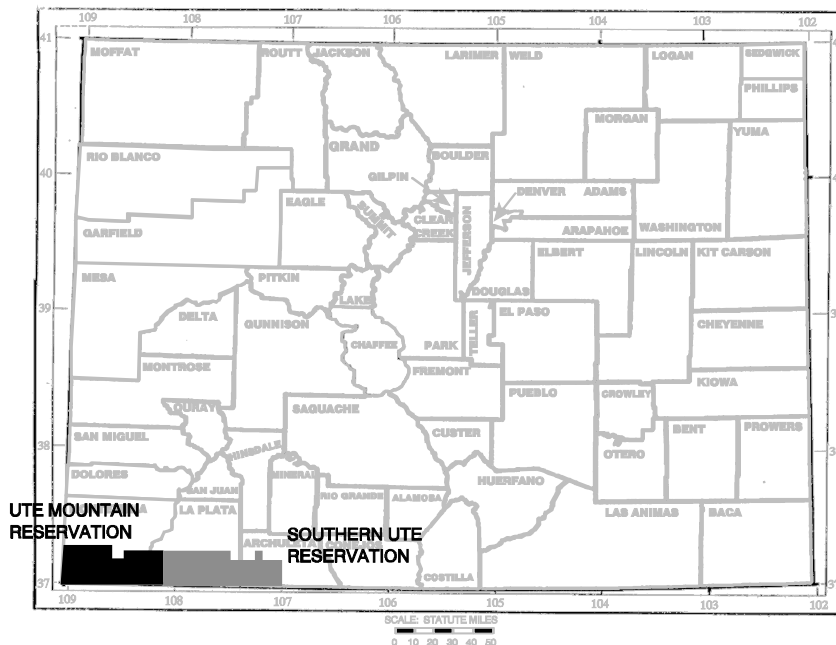
are under the age of 18 years old. The majority of tribal members are residents of the La Plata County, most of them within the Town of Ignacio, site of tribal headquarters. The remainder of the tribal members live elsewhere in Colorado and other states. According to the census of 1993, 1,044 American Indians were resident on the Southern Ute Reservation, 967 of them in Ignacio's division of the county, which includes the Town of Ignacio.

There are thus presently two Native American Reservations in the Southwest corner of Colorado:

- (a) **Southern Ute Reservation.** Headquartered at Ignacio, Colorado.
- (b) **Ute Mountain Reservation.** Headquartered at Towaoc, Colorado.

<http://www.utemountainute.com/>

Following is a location map for the two Native American reservations located in Colorado:



g) Other References.

- 1) Colorado Commission of Indian Affairs

(“Colorado American Indian Resource Directory” in Adobe Acrobat web-site)



http://www.state.co.us/gov_dir/lrgov/indian/resource.pdf

2) Colorado Commission of Indian Affairs

(*"Demographics Information"* in Adobe Acrobat web-site)

http://www.state.co.us/gov_dir/lrgov/indian/page16.pdf

3) U.S. Department of Energy

(*Web-site provides a brief summary of the American Indian Religious Freedom Act and the Native American Graves Protection and Repatriation Act*)

http://tis.eh.doe.gov/oepa/law_sum/airfa.htm

4) U.S. Department of Agriculture/RUS Environmental Library

(*Web-site provides the full text of the Native American Graves Protection and Repatriation Act*)

<http://www.usda.gov/rus/water/ees/toc.htm#Statutes>